REMARKS

Timing of present office action response

It is noted that the two-month date of the final office action is July 23, 2006. However, because July 23, 2006 is a Sunday, the filing of the present response on Monday, July 24, 2006, is timely, and therefore is to be considered by the Examiner as having been filed within two months from the date of the final office action.

Claim rejections under 35 USC 102

Claims 1-3, 6-15, and 19-20 have been rejected under 35 USC 102(e) as being anticipated by Barnes (6,594,470). Claims 1, 11, and 15 are independent claims, from which the remaining pending claims ultimately depend. Applicant submits that claims 1, 11, and 15 are patentable over Barnes, such that all of the claims are patentable over Barnes. Claim 1 is discussed herein as representative of all the independent claims 1, 11, and 15 insofar as patentability over Barnes is concerned.

The claimed invention, as represented by claim 1 in particular, is limited to a resource, a mobile wireless console managing the resource "by *directly* communicating wirelessly with the resource . . . *without communicating through any intermediary device between the console and the resource.*" Applicant submits that the quoted limitations of the claimed invention are not taught, disclosed, or suggested by Barnes. The key here is that the mobile wireless console *directly communicates wirelessly with the resource, without communicating through any intermediary device between the console and the resource.*

The Examiner has identified element 108 of Barnes as corresponding to the resource of the claimed invention, and element 118/120 of Barnes as corresponding to the mobile wireless console of the claimed invention. However, the mobile wireless console 118/120 of Barnes does not directly communicate wirelessly with the resource 108 of Barnes, without communicating

through any intermediary device between the console and the resource, in contradistinction to the claimed invention. As an initial matter, this is clear from FIG. 1 of Barnes. The console 118/120 communicates wirelessly, as indicated by the arrows 126, with the wireless network server 136 and/or the wireless data server 138. This communication is passed to the server 114, through the network 110, and finally to the resource 108. The network 110, the server 114, and the wireless servers 136 and 138 are all intermediary devices between the console 118/120 and the resource 108. Therefore, unlike as in the claimed invention, the console 118/120 does *not directly* communicate wirelessly with the resource 108 in Barnes, and indeed communicates through a number of intermediary devices between the console 118/120 and the resource 108.

This interpretation of FIG. 1 of Barnes is further buttressed by the explicit disclosure in Barnes. First, Barnes makes no mention that the resource 108 has any type of wireless communication capability. Rather, as in FIG. 1, the only elements in Barnes that have wireless communication capability (other than the console itself) are the elements 116, 136, and 138, evidenced by the fact that in FIG. 1, for instance, the little triangles representing antenna and thus wireless communication capabilities are only present on the elements 116, 136, and 138 – and not on the resource 108.

Barnes also explicitly discloses the following:

> In the practice of the invention, a call center supervisor monitors and manages the call center 102 by operating a remote control transceiver 118 in communication with one or more data interfaces to the call center network 110 via wireless link 126. *The wireless link 126 may be or include radio frequency channels in communication with wireless network server 136, mobile switching center 116 or other wireless ports.*

(Col. 3, l. 66, through col. 4, l. 6) Thus, the mobile wireless console 118/120 does not directly wirelessly communicate with the resource 108, in contradistinction to the claimed invention. Rather, the mobile wireless console 118 directly wirelessly communicates with the wireless network server 136 or the mobile switching center 116. Each of these is an intermediary device between the console 118/120 and the resource 108 being managed. Insofar as the claim language

of the claimed invention prohibits such communication through any intermediary device, Barnes cannot be considered as teaching, disclosing, or suggesting all the limitations of the claimed invention, and therefore cannot anticipate the claimed invention.

The Examiner has relied upon various aspects of FIGs. 2 and 4 in Barnes as teaching, disclosing, or suggesting that the console 118/120 directly wireless communicates with the resource 108 without communicating through an intermediary device. However, none of these aspects actually disclose the claimed limitation in question. Three of these relied upon aspects of Barnes are now discussed in more detail.

First, as relied upon by the Examiner, Barnes states that in "step 216, the control commands are transmitted on the uplink through the wireless link 126 to wireless network server 136, remote supervisor server 114 and call center server 108." (Col. 5, l. 66, through l. 2) Here, it is noted that the wireless link 126 is as defined above, including radio frequency channels in communication with the wireless network server 136 and/or the mobile switching center 116. As such, the console 118/120 does not directly wirelessly communicate with the call center server 108. Rather, it communicates directly wirelessly with the server 136 and/or the center 116, which conveys the communications from the console 118/120 to the resource 108.

Second, as relied upon by the Examiner, Barnes states that in "the determination of step 314, if the request received from the remote control transceiver 118 is to transmit system management commands, control proceeds to step 328 in which the call center server 108 receives and executes a command." (Col. 7, ll. 9-12) However, this disclosure does not say that the request is directly communicated from the mobile wireless console 118/120 to the resource 108, and therefore is inapposite at best as to the claimed invention. Indeed, Barnes makes clear earlier as to the type of communication that occurs in step 314, for instance, between the console 118/120 and the resource 108:

> In step 314, a determination is made whether an arriving request from the remote control transceiver 118 is for operations data or to transmit a system configuration or management command *on the uplink* to call center server 108. If the request is for data, control proceeds to step 316 and the data request is received from the

> remote control transceiver 118, *by way of wireless network server 136, mobile switching center 116 or other wireless interfaces.*

(Col. 6, ll. 41-49) Consistent with the discussion of FIG. 1 of Barnes, then, data/commands are transmitted between the mobile wireless console 118 and the resource 108 via the uplink – that is, by way of the server 136 or the center 116. As such, this wireless communication between the console 118 and the resource 108 is not direct, but rather through an intermediary, namely the server 136 or the center 116.

Third, as relied upon by the Examiner, Barnes states that in "this manner, call center server 108 monitors the remote control transceiver 118 for requests and commands and responds with operations data and reconfigurations according to input from the supervisor operating the remote control transceiver 118." (Col. 7, ll. 16-20) In properly interpreting this recitation of Barnes, it is important to consider what this statement is. It occurs after FIG. 4 has been completely described in detail, and thus is a summarizing conclusory paragraph, before proceeding to in-depth description of FIGs. 5 and 6. (See, for instance, col. 7, ll. 21-30, in which immediately thereafter FIGs. 5 and 6 are described). Therefore, Barnes is stating that "in this manner" to indicate in effect "in accordance with what has been just described," the resource 108 monitors the mobile wireless console 118/120. And, as has already been noted above as to other two aspects of Barnes, such monitoring is achieved not in a direct, wireless manner without any intermediary device, but rather through one or more intermediary devices, in contradistinction to the claimed invention.

Indeed, this aspect of Barnes is at best inapposite to the claimed invention, and most definitely does not disclose direct wireless communication between the resource 108 and the mobile wireless console 118/120 without communicating through any intermediary device. That is, the resource 108 can monitor the console 118/120 without having to directly wirelessly communicate with the console 118/120. In fact, this is exactly what Barnes discusses earlier in FIGs. 2 and 4 – the console 118/120 does not directly wirelessly communicate with the resource

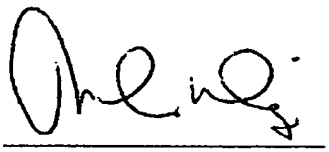
108, but rather indirectly communicates with the resource 108, via the intermediary server 136 and/or the intermediary center 116.

Applicant respectfully submits that the Examiner is mischaracterizing Barnes in a way that would not be sustained on appeal. In particular, he appears to be taking various excerpts from Barnes and considering them in isolation and trying to fit them into the claimed invention, instead of considering them in conjunction with the entirety of Barnes, and interpreting them as would be achieved by one of ordinary skill within the art. It should be clear that Barnes does not disclose direct wireless communication between its mobile wireless console 118/120 and its resource 108. For these reasons, Barnes does not anticipate the claimed invention.

Conclusion

Applicants have made a diligent effort to place the pending claims in condition for allowance, and request that they so be allowed. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Applicants' Attorney so that such issues may be resolved as expeditiously as possible. For these reasons, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,



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Date

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